

COUNCIL COMING ATTRACTIONS



Week of Oct. 5, 2020

Hispanic Heritage Month Commemoration, Workplace Harassment, LGBTQ Bill of Rights, WMATA Payment in Lieu of Taxes, Public Campaign Financing, Solar Collection Systems, MCPS Mental Health Services, Subdivision Staging Policy, Montgomery Cares, Care for Kids, Mobile Crisis Team

Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

The Council will hold virtual meetings on Tuesday, Oct. 6 at 9 a.m.

COUNCIL

Hispanic Heritage Month 2020

On Tuesday, Oct. 6 at 9:20 a.m. the Council will hold its seventh annual Hispanic Heritage Month commemoration hosted by Councilmember Nancy Navarro, Council President Sidney Katz and Councilmember Gabe Alborno. Councilmember Navarro established this important tradition at the Council and spearheads this commemoration each year. The theme of this year's commemoration is "Latinx Heroes: Leading, Healing and Providing Hope during the Pandemic." The Council will be recognizing and thanking members of Montgomery County's Hispanic and Latino community who have gone above and beyond to promote public health and provide essential services during the global pandemic. The agenda for the program can be viewed [here](#).

Supplemental Appropriation to the County Government's FY21 Operating Budget, Department of Environmental Protection - \$372,079 for Naval Support Activity - Bethesda - Military Installation Resiliency Review Grant

The Council will introduce a supplemental appropriation of \$372,079 to the Department of Environmental Protection's FY21 Operating Budget to fund a climate planning resiliency study for Naval Support Activity (NSA) – Bethesda, which is home to the Walter Reed National Military Medical Center and Uniformed Services University. A public hearing and Council vote are scheduled for Oct. 20 at 1:30 p.m. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_4A.pdf

Office of Legislative Oversight Report 2020-10, Ride On Bus Routes and Services

The Council will receive and release Office of Legislative Oversight (OLO) Report 2020-10, Ride On Bus Routes and Services. This report responds to the Council's request for information about the demographics that use the Montgomery County Department of Transportation's (MCDOT) Ride On bus services and how MCDOT makes changes to Ride On services. The report examines how ten other jurisdictions evaluate their transit networks and provides information about Ride On data collection and reporting. The report will be available online [here](#) after the Council votes to release the report. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_4B.pdf

Approval of Appointment of Special Counsel to Assist the Office of the County Attorney to Represent Montgomery County and the Members of the County's Self-Insurance Fund (and Their Employees) on an As-Needed Basis in Self-Insurance Fund and Other Related Litigation: Lerch, Early & Brewer and Miller, Miller & Canby

The Council will vote on the approval of an appointment of a special counsel to assist the Office of the County Attorney. The cases filed against the County have increased in complexity in recent years and often involve multiple defendants. The County Attorney's Office requires additional special counsel to help defend these cases. The County Attorney seeks approval to add two new local law firms as special counsel for these cases on an as needed basis. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_4C.pdf

Executive Regulation 26-19, Employee Compensation

In May 2019, the Council unanimously enacted the Pay Equity Act, which prohibits the County from requesting salary history from an applicant for County employment and prohibits the County from relying on salary history to determine an applicant's starting salary. Councilmember Evan Glass was the lead sponsor of the legislation. The Council is scheduled to vote on Executive Regulation 26-19, which amends the County's Personnel Regulations to incorporate changes for salary-setting policies for applicants and employees to comply with the pay equity provisions in County law. The regulation also requires the director of the Office of Human Resources (OHR) to seek approval by a designee of the chief administrative officer to set a salary above the mid-point for an applicant for a position in OHR. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_4D.pdf

Novel Coronavirus (COVID-19) Update

The Council will sit as the Board of Health to receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery efforts. The Council will be joined by Dr. Travis Gayles, County health officer and chief of the Department of Health and Human Services' (DHHS) Public Health Services; Dr. Earl Stoddard, director, Office of Emergency management and Homeland Security; and Dr. Raymond Crowel, director, DHHS. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_5.pdf

Bill 14-20, Human Rights and Civil Liberties - Discriminatory Employment Practices - Workplace Harassment

The Council is scheduled to vote on Bill 14-20, which would define and prohibit certain discriminatory practices in the workplace. Councilmember Will Jawando is the lead sponsor. Councilmembers Nancy Navarro, Evan Glass, Gabe Albornoz, Hans Riemer and Craig Rice and Council President Sidney Katz and Council Vice President Tom Hucker are cosponsors. Bill 14-20 would define and prohibit discriminatory harassment and sexual harassment by employers in the County. The bill would alter the level of harassing conduct that constitutes an employment discrimination claim under County law. Harassment would not need to raise to the level of being “severe or pervasive” to be actionable. Harassment would be actionable as long as it was “more than a petty slight, trivial inconvenience, or minor annoyance.” The goal of this legislation is to help ensure that employees do not face workplace harassment, including sexual harassment. The Health and Human Services (HHS) Committee recommends enactment. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_8A.pdf

#StopSexualHarassment is being used for this bill on social media.

Bill 28-20, Human Rights and Civil Liberties - Discrimination in Public Accommodations - LGBTQ Bill of Rights

The Council is scheduled to vote on Bill 28-20, which would define and prohibit discriminatory practices based on sexual orientation, gender expression, gender identity and HIV status in places of public accommodation, including nursing homes and other healthcare and personal care facilities. The bill also would require the posting of certain anti-discrimination notices. Councilmember Evan Glass is the lead sponsor. All other Councilmembers are cosponsors. The HHS Committee recommends enactment with amendments. The recommended amendments can be found on page one of the Council staff report, which can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_8B.pdf

#LGBTQRights is being used for this bill on social media.

Bill 29-20, Taxation - Payment in Lieu of Taxes - WMATA Property - Established

The Council is scheduled to vote on Bill 29-20, which would require the director of the Department of Finance to offer a payment in lieu of taxes for a residential or commercial high-rise building constructed by a private developer on property leased from the Washington Metropolitan Area Transit Authority (WMATA) at a Metro station. The bill would require the payment in lieu of taxes that would exempt 100 percent of the real property tax that would otherwise be levied for a period of 15 years beginning in the year a use and occupancy permit is issued for the qualifying development. Councilmembers Hans Riemer and Andrew Friedson are the lead sponsors. Councilmembers Evan Glass, Nancy Navarro, Council President Sidney Katz, Councilmember Gabe Albornoz, Council Vice President Tom Hucker and Councilmember Craig Rice are cosponsors. The Planning, Housing and Economic Development (PHED) Committee recommends enactment with amendments. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_8C.pdf

#WMATAPilot is being used for this bill on social media

Bill 31-20, Public Campaign Financing – Amendments

The Council is scheduled to vote on Bill 31-20, which would do the following: amend the County public campaign financing system; alter the maximum contribution limits; allow participating candidates to carryover certain funds under certain circumstances; require an audit of the public campaign financing system after the general election in an election cycle; and alter the penalties for willful violations of the public campaign financing system. The goal of this legislation is to improve the County’s public campaign

financing system. Councilmember Nancy Navarro, Council President Sidney Katz and Councilmember Andrew Friedson are the lead sponsors. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_8D.pdf

#PublicCampaignFinancing is being used for this bill on social media.

County Executive's Appointee as Chief of Behavioral Health and Crisis Services, Department of Health and Human Services: Rolando Santiago

The Council will interview Rolando Santiago, who is the County Executive's appointee as chief of behavioral health and crisis services with the Department of Health and Human Services. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_9.pdf

Montgomery College Board of Trustees

The Council will interview Dr. Cherise Hunter and Ms. Althea Lloyd-White for the Nominating Committee for the Board of Trustees of Montgomery College. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_10.pdf

Zoning Text Amendment 20-01, Solar Collection System – AR Zone Standards

The Council will review ZTA 20-01, which would revise the solar collection system use standards to allow larger facilities in the Agricultural Resource (AR) zone. Councilmember Hans Riemer and Council Vice President Tom Hucker are the lead sponsors. The total amount of collection systems on all parcels would be limited to 1,800 acres. Any collector system constructed under the proposed amendment must be designated pollinator-friendly under the Maryland Pollinator-Friendly Designation Program. The Planning, Housing and Economic Development (PHED) and Transportation and Environment (T&E) Committees recommend approval of the ZTA with amendments, by a vote of 4-1 (with Councilmember Andrew Friedson opposed). The recommended amendments can be found on pages one and two of the Council staff report, which can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_11A.pdf

PUBLIC HEARINGS

All Council public hearings will be held on Tuesday, Oct. 6 at 1:30 p.m.

Supplemental Appropriation to the County Government's FY21 Operating Budget, Montgomery County Fire and Rescue Service - \$273,482 for FY19 Assistance to Firefighters Grant

The Council will hold a public hearing and is scheduled to vote on a supplemental appropriation of \$273,482 to the Montgomery County Fire and Rescue Service's FY21 Operating Budget. This appropriation will fund the purchase and installation of station apparatus bay exhaust systems. This increase is needed because funding was awarded from the Assistance to Firefighters Grant Program to purchase and install station apparatus bay exhaust systems which reduce firefighter's exposure to fumes and their risk of developing associated cancers. The source of funds is federal aid. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_6.pdf

Supplemental Appropriation to the County Government's FY21 Operating Budget, Department of Health and Human Services - \$864,029 to Increase Somatic and Mental Health Services at Montgomery County Public Schools

The Council will hold a public hearing on a supplemental appropriation of \$864,029 to the County's Department of Health and Human Services' (DHHS) FY21 Operating Budget to increase somatic and mental health services at Montgomery County Public Schools (MCPS). MCPS received funding from the Montgomery State Department of Education Concentration of Poverty School Grant Program. MCPS is

collaborating with DHHS to increase somatic and mental health services to support students and families. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201006/20201006_7.pdf

COMMITTEE

2020-2024 Subdivision Staging Policy and School Issues

The PHED Committee will review the 2020-2024 Subdivision Staging Policy and school-related policy issues. The County's 2020-2024 Subdivision Staging Policy is based on having sufficient infrastructure to support new development. In this meeting the committee will discuss school adequacy standards and the residential development moratorium. Under the current SSP, when schools reach 120 percent capacity utilization, the affected area goes into a moratorium, which means the Planning Board cannot approve new residential development. A moratorium lasts until the applicable school utilization drops below the moratorium threshold – typically evaluated at the next Annual School Test.

The Committee will review recommendations that could do the following: place different standards for utilization adequacy based on a school impact area; replace the moratorium standard for Turnover and Infill Impact Areas with a Utilization Premium Payment (UPP); and in the Greenfield Impact Area, where the moratorium standard is retained, raise the threshold from school utilization greater than 120 percent to utilization more than 125 percent and require a UPP when utilization exceeds 120 percent up to the moratorium threshold. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20201005/20201005_PHED1.pdf

Recovery/Reopening Update: Montgomery County Public Schools

On Oct. 5 at 2:15 p.m. the Education and Culture (E&C) Committee will receive an update from representatives of Montgomery County Public Schools about recovering from the effects of COVID-19 and reopening schools. The individuals expected to participate in the meeting include the following: Shebra Evans, president, Board of Education; Dr. Jack Smith, superintendent, MCPS; Dr. Monifa McKnight, deputy superintendent, MCPS; Dr. Henry Johnson, chief of staff, MCPS; Dr. Janet Wilson, chief of teaching, learning and schools, MCPS; and Derek Turner, chief of engagement, innovation and operations, MCPS. For the discussion, Council staff requested that MCPS provide information about the following topics:

1. MCPS's recovery and reopening education plan;
2. summary of MCPS' CARES Act funding; and
3. Community and school-based learning hubs.

The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20201005/20201005_EC1.pdf

Annual WSSC Spending Control Limits

On Oct. 7 at 9:30 a.m. the Transportation and Environment (T&E) Committee will review the Washington Suburban Sanitary Commission's annual spending limits. WSSC's spending control limits process was established in April 1994 via resolution by both Montgomery and Prince George's County Councils, with the goal of both Councils agreeing on certain budgetary limits by Nov. 1 of each year. The process is based on a multi-year planning model, a strategy to stabilize annual rate increases over time and holding customer fee-supported debt service below 40 percent of the operating budget. Limits provide direction to WSSC regarding what to request, but do not create a ceiling (or a floor) regarding what the Councils may jointly approve later. The Councils have agreed on these limits in most years. Even in years when there has not

been agreement, the process provided a rate increase range for WSSC to work within to build its budget. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20201007/20201007_TE1.pdf

Montgomery Cares, Care for Kids, County Dental Program

On Oct. 8 at 9:30 a.m. the Health and Human Services (HHS) Committee will receive updates on Montgomery Cares, Care for Kids and the County dental program. Montgomery Cares is a program that provides primary health care to medically uninsured, low-income adults who live in Montgomery County. Care for Kids is a health care program that provides access to health care services for uninsured children in Montgomery County. Pediatric care includes well child visits, sick visits, prescription medicines, optometry, dental and other limited specialty care services. The Council staff report will be available on Oct. 6.

Mobile Crisis Team and Crisis Now

On Oct. 8 at 1:30 p.m. the HHS and Public Safety (PS) Committees will meet jointly to receive an update on the County's Mobile Crisis Team and Crisis Now. In July, the Council approved a special appropriation of \$592,202 to the FY21 operating budget of the County's Department of Health and Human Services (DHHS) to expand mobile crisis response services. DHHS operates the Crisis Center and staffs the Mobile Crisis Teams. The Mobile Crisis Team is a two-person team that responds to calls made directly to the Crisis Center and when the police request their assistance as a part of a police response. This special appropriation approved by the Council in July funded three social worker positions. The funding included bi-lingual pay. The Council staff report will be available on Oct. 6.

2020-2024 Subdivision Staging Policy, Other Transportation Issues

On Oct. 9 at 10:30 a.m. the PHED Committee will meet to review transportation issues around the County's 2020-2024 Subdivision Staging Policy. The Council staff report will be available on Oct. 7.